

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

GENERAL MOTORS LLC IGNITION  
SWITCH LITIGATION

14-MD-2543 (JMF)  
**Oral Argument Requested**

*This Document Relates To All Actions*

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Cuneo Gilbert & LaDuca, LLP (“CGL”) submits this application pursuant to Order No. 5 to be a member of the Executive Committee responsible for assisting Co-Lead Counsel as Washington Counsel to serve as a liaison with government actions and proceedings.

**The Need for a Specifically Designated Washington Counsel**

After the Enron implosion, “class counsel had to cover several venues.” *In re Enron Corporation Securities, Derivative & ERISA Litigation*, 586 F. Supp. 2d 732, 772 (S.D. Tex. 2008). Those venues required the retention of bankruptcy counsel and Washington Counsel. *Id.* at 769, 773. Although different in many respects, GM’s ignition switch problems similarly occupy the national stage, and class counsel must cover proceedings in this forum, the bankruptcy court and in numerous venues in Washington D.C. In recognition of the multiplicity of proceedings, this Court’s order expressly contemplates a “liaison with government actions and proceedings.” Order No. 5 at 4. Appointment of Washington Counsel is critical to protecting the putative class and we believe our firm is uniquely qualified to serve in that role.

The Subcommittee on Oversight and Investigations of the House Energy and Commerce Committee held hearings on April 1 and June 18. The Senate Committee on Commerce, Science and Transportation, Subcommittee on Consumer Protection, Product Safety and Insurance, held

hearings on April 2 and July 17. CGL attended each of those hearings. Through those hearings relevant information about GM's activities has come to light.

The Senate Subcommittee announced it will next hold a hearing on the reasons the National Highway Traffic Safety Administration ("NHTSA") failed to detect and address GM's ignition failures. Congress will likely hold additional hearings, request additional documents and engage in further oversight. It is anticipated that Congress will pass GM-related legislation.

NHTSA and the Securities and Exchange Commission ("SEC") are also conducting their own investigations. The DOJ's Criminal Division is conducting an investigation. Forty-five State Attorneys General are engaged in GM investigations as well.

A publicly-identified Washington Counsel offers Congress, regulators and the class a portal for communication that benefits all sides. Both GM and Delphi have hired Washington professionals to monitor and work with Congressional Committees, NHTSA, the SEC and DOJ. The putative class should do the same.

**A Washington Liaison has functioned well in other cases of national significance.**

Over the past decades, litigants in high-profile cases have retained DC Counsel. CGL has played a key role in many of these cases. A few specific examples include:

- **The Lincoln Savings and Loan scandal.** Charles Keating notoriously lobbied members of Congress for favors. Lawyers for the class of defrauded bondholders brought on CGL's predecessor for numerous purposes, including preventing Congress from acting to extinguish their claims. CGL served in this role.
- **The Enron Securities case.** Counsel for defrauded investors, led by the Regents of the University of California, retained CGL as Washington Counsel. At the end of the case, Judge Harman noted with approval CGL's work and quoted

extensively from our firm's declaration in describing the "intricate web of deceit" underlying the action. Enron order at 770, n.41

- **Tobacco cases.** The national tobacco settlement was preceded by a year or more of Congressional proceedings in which all sides were represented in Washington. CGL and its colleagues made public significant "youth targeting" documents.

**Cuneo Gilbert & LaDuca ("CGL") meets all of the criteria the Court is seeking in Executive Committee members.**

Knowledge and experience in prosecuting complex litigation, including MDLs and class actions.

Unique among plaintiff firms involved in complex litigation, Washington-based CGL has nearly thirty years experience in both litigation and Congressional forums. CGL attorneys are co-lead counsel or on the Executive Committee in numerous MDL's. These include major cases pending in SDNY, EDNY and the District of New Jersey.

CGL has lengthy Congressional and legislative experience. Jonathan Cuneo served as a counsel to the House Committee on the Judiciary; Charles Tiefer served as Solicitor to the United States House of Representatives; and Pamela Gilbert served as Legislative Director and then Director of Public Citizen's Congress Watch, a leading public interest advocacy group.

CGL has represented clients before Congress for the last 28 years. Our firm specializes in representation on legal issues. For 17 years, our firm represented the National Association of Shareholder and Consumer Attorneys ("NASCAT") in major legislative battles, including the Private Securities Litigation Reform Act and the Class Action Fairness Act.

Willingness and ability to commit to a time-consuming process.

CGL has been Lead Counsel in litigation and has led legislative campaigns that have lasted years, sometimes over a decade, and resulted in successful conclusions for our clients and the class. We understand both worlds – litigation and legislation.

Willingness and ability to work cooperatively with others.

CGL has vast experience as Lead or Co-Lead Counsel and Executive Committee member in numerous MDLs that required the ability to work with dozens of other law firms. In addition, in our public policy work, we specialize in building coalitions and representing trade associations, all of which require expertise in working well and cooperatively with others.

Access to resources to prosecute the litigation in a timely way.

CGL is prepared to undertake the role of Washington Counsel -- working on a contingent basis -- under the direction of whomever the Court appoints to lead this litigation. Our firm possesses resources for this role that are unique within the complex litigation plaintiffs' bar.

The work counsel has done in identifying, investigating, or prosecuting potential claims in the action.

CGL has already worked with Temporary Lead Counsel Hagens Berman, Lieff Cabraser and Robinson Calcagnie in this case. Our firm has attended all the congressional hearings, shared our knowledge of publicly-available information with committee staff, and gathered and forwarded information uncovered by the congressional and NHTSA investigations. CGL continues to monitor congressional proceedings and the NHTSA investigation.

Counsel's knowledge of applicable law.

CGL has almost 30 years' experience working in the legislative and regulatory arenas in Washington, DC. In particular, CGL partner Pamela Gilbert was a Root-Tilden scholar at the

New York University School of Law and after graduation accumulated a lengthy resume on public safety issues. She has testified before Congress over 50 times as one of the nation's leading consumer advocates. She chaired President Obama's transition team for the Consumer Product Safety Commission and served as Executive Director of that agency under President Clinton. Before that, she spent ten years working for and then leading national consumer advocacy organizations. Ms. Gilbert also has extensive experience working on auto safety issues. She helped lead the effort to prevent General Motors and Chrysler from getting immunity from liability during the 2009 bankruptcy proceedings.

Currently, Ms. Gilbert represents the auto safety group that is leading the campaign to enact the "Raechel and Jacqueline Houck Safe Rental Car Act" (S. 921), which would prohibit rental companies from renting or selling cars under a safety recall until they are repaired.

Geographic diversity.

CGL is located in Washington, DC where most of the government investigations are taking place.

For these reasons, the court should appoint Cuneo Gilbert & LaDuca and Pamela Gilbert in the specifically designated Executive Committee slot for Washington Counsel to act as liaison with government actions and proceedings.

Dated July 28, 2014

By: /s/ Jonathan W. Cuneo  
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